Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20230

In the Matter of	)	
Delete, Delete, Delete	)	MR Docket No. 25-133

Comments of Jeffrey Westling[1]

I. Introduction and Summary

The Federal Communications Commission (FCC) issued a public notice seeking comment on every rule, regulation, or guidance document that the Commission should eliminate for the purpose of alleviating unnecessary regulatory burdens.[2] These comments focus on five high-level topics and highlight specific rules and regulations within those topics the Commission should revisit.

First, the Commission should reform the Universal Service Fund (USF), particularly the high-cost program, to minimize the burden on consumers and make it easier for providers to participate. Second, the FCC should revisit many of its regulations on broadcasting, particularly with regard to media ownership and content-based restrictions. Third, the agency should review broadband infrastructure rules, particularly with regard to permitting review. Fourth, the FCC should provide clarity regarding the public interest standard for merger review, specifically regarding non-economic factors it will consider. And finally, the Commission should eliminate unnecessary reporting and paperwork requirements that add additional burdens on regulated firms while providing little benefit.

[1] Jeffrey Westling is the Director for Technology & Innovation Policy at the American Action Forum. These comments represent the views of Jeffrey Westling and not the views of the American Action Forum, which takes no formal positions as an organization.
[2] *In Re: Delete, Delete, Delete*, Public Notice, GN Docket No. 25-133 (Mar. 12, 2025).

Taken together, these reforms can maximize the incentive for communications businesses to invest in their networks and services, all while lowering costs for consumers. I look forward to working with the Commission on this issue as the record develops.

II. The FCC Should Reexamine USF Spending by Eliminating Outdated Programs and Incentivizing Provider Participation

The FCC oversees and administers USF, a congressionally mandated collection of communications subsidies originally designed to bring voice telephony to every American.[3] As the needs of Americans have shifted, the program has struggled to keep up. The program is supported by what essentially amounts to a tax on a consumer's voice telephony bill, but the fund now supports a wide range of broadband deployment and affordability projects.[4] In fact, the contribution factor has increased from 5.7 percent to 35.6 percent since 2000.[5]

The constitutionality of the program is currently under review, and Congress may make reforms to the program's funding mechanism in the future, but the FCC can still take immediate action to lower the burden on consumers by eliminating outdated spending projects. If the FCC can lower the total cost of the fund, the individual burden will likewise decrease. While Congress considers changes to the contribution mechanism, the FCC should eliminate outdated spending.

In particular, the FCC should focus on the high-cost program. The high-cost program currently costs over $4.5 billion a year, 52 percent of the total USF.[6] Unfortunately, many of the high-cost support mechanisms fund legacy telecommunications networks that could be better served by IP-based broadband networks. With fierce broadband competition, as well as a wide range of federal and state broadband

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[3] "Universal Service Fund," *Federal Communications Commission* (last visited Apr. 10, 2025), https://www.fcc.gov/general/universal-service-fund.
[4] Jeffrey Westling, "Lowering the Cost of the Universal Service Fund," *American Action Forum* (Dec. 5, 2024), https://www.americanactionforum.org/insight/lowering-the-cost-of-the-universal-service-fund/.
[5] *Proposed Second Quarter 2000 Universal Service Contribution Factor*, Public Notice, CC Docket No. 96-45 (Mar. 7, 2000), https://docs.fcc.gov/public/attachments/DA-00-517A1.pdf; *Proposed Second Quarter 2025 Universal Service Contribution Factor*, Public Notice, CC Docket No. 96-45 (Mar. 13, 2025),
[6] "2024 Annual Report," *Universal Service Administrative Company* (2024), https://www.usac.org/wp-content/uploads/about/documents/annual-reports/2024/2024_USAC_Annual_Report.pdf.

subsidy programs for areas that lack coverage, the FCC should revisit these legacy support mechanisms to save taxpayer dollars.[7]

For example, the FCC could look to phase down or eliminate Connect American Fund Broadband Loop Support and Connect America Fund Broadband Intercarrier Compensation Support.[8] The Broadband Loop Support program provides support for voice and broadband service, including standalone broadband, but the program targets legacy switched networks and already set a deployment deadline of the end of 2023.[9] And the Intercarrier Compensation Support provides support for a carrier's switched access network, from which the Commission has long been trying to shift support away.[10] According to NCTA, "these programs no longer are needed because the carriers have the option to participate in Enhanced A-CAM and, if they decline that opportunity, BEAD funding will be available to reach those areas."[11] In other words, there is already significant funding for the deployment of IP-based broadband networks, and eliminating or phasing down these programs would both lower the total cost of the USF and incentivize legacy carriers to transition to fully IP-based networks.

In addition, the FCC should also eliminate eligible telecommunications carrier (ETC) requirements to participate in USF programs. ETC designation comes with a multitude of responsibilities largely tied to the publicly switched telephone networks.[12] As the programs have shifted to broadband, however, many competitive broadband providers that don't maintain ETC designation cannot always participate, even if their participation would drive down program costs by providing consumers with alternative choices or deploying network infrastructure at a lower cost than other competitors. The FCC

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[7] Jeffrey Westling, "Ensuring Broadband Deployment Subsidies Solve the Access Gap," *American Action Forum* (Oct. 17, 2023), https://www.americanactionforum.org/insight/ensuring-broadband-deployment-subsidies-solve-the-access-gap/.
[8] Comments of NCTA – The Internet & Television Association, *Connect America Fund: A National Broadband Plan for Our Future High-Cost Universal Support et al.*, WC Docket No. 10-90 et al. p. 7 (Sept. 18, 2023), https://www.fcc.gov/ecfs/document/10918068809789/1.
[9] *Id*.
[10] *Id*.
[11] *Id*. at 3.
[12] Jonathan Cannon, "R Street Submits Comments to Senate Universal Service Fund Working Group," *R Street Institute* (Aug. 15, 2023), https://www.rstreet.org/outreach/r-street-submits-comments-to-senate-universal-service-fund-working-group/.

should eliminate this requirement, lowering the costs on providers and thus incentivizing more firms to participate in these programs.

III. The FCC Should Eliminate Regulations on Broadcasters that Do Not Apply to Competitors

Unlike wired communications, where the limits on transmission are mainly economic or due to local ordinances, radios are often limited to the physics of radio waves. If two radios operate at the same time, location, and frequency, the receiver can fail to isolate the correct signal without interference from the other signal. When this occurs, the quality of the transmission can be diminished to the point the service no longer functions.[13] As a result, Congress decided to create a regulatory regime that allowed a federal regulator to license individual stations and manage operations to prevent harmful interference.

Because the management of radios would require the FCC to essentially pick winners and losers, Congress charged the Commission with regulating radios in the public interest, a broad standard that gives the FCC quite a bit of flexibility in implementing rules governing how operators may use their licenses.[14] But doing so necessarily produces First Amendment concerns, even though the Supreme Court has made clear that due to the inherent scarcity of broadcast licenses, the First Amendment standards for broadcasters are lower than for other mediums of speech.[15] As then-Commissioner Bellows explained in 1927, "[i]t is a rather appalling responsibility. The law tells us that we shall have no right of censorship, but the physical facts of radio transmission compel what is, in effect, a censorship of the most extraordinary kind."[16]

The Commission's broadcasting rules are ripe for change. The scarcity of the medium that drove broadcasting regulation no longer justifies rules that restrict the ownership of licenses or the types of

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[13] Jeffrey Westling, "Probabilistic Interference Assessments in Spectrum Policy," *American Action Forum* (Apr. 25, 2022), https://www.americanactionforum.org/insight/probabilistic-interference-assessments-in-spectrum-policy/.
[14] 47 U.S.C. § 301.
[15] Red Lion Broadcasting Co., Inc. v. FCC, 395 U.S. 367 (1969).
[16] "Statement of Commissioner Bellows before the League of Women Voters," 1st Annual Report of the Federal Radio Commission to Congress p. 6 (July 1, 1927). https://www.fcc.gov/document/1st-annual-report-federal-radio-commission-congress-1927.

content a broadcaster can deliver.[17] Today, Americans increasingly receive their news online, and video content that would traditionally be broadcast over the air can easily be found on streaming services or free on platforms such as YouTube. If a content producer wants to reach consumers, it has multiple avenues to do so without a broadcast license.[18]

This also means that broadcasters face fiercer competition than ever. If a consumer wants to get up to speed on local news, they may find an X account or a local blogger that provides real-time updates on the topics those consumers care about. Or, if a family wants to watch programming designed for a young child, it can find a YouTube channel that delivers that exact type of content. The local blogger or the YouTube creator, however, don't face the same regulatory burdens that a broadcaster does, and therefore can deliver the content at a lower cost and with fewer restrictions, depending on the rules of the service. By removing unnecessary rules and restrictions, local broadcasters will be able to better compete with digital and online alternatives. If the unique characteristics of broadcasting appeal to consumers, local broadcasters will be able to provide a unique service that benefits Americans.

a. The Commission Should Eliminate Media Ownership Restrictions

The Commission has a variety of ownership rules that restrict how many stations a single company can own.

First, the FCC should eliminate the national ownership cap, which prevents entities from owning stations that reach more than 39 percent of households in the country.[19] By allowing a single entity to own stations across the country, a firm can better negotiate with advertisers due to the nationwide reach, while also allowing local advertising to target those markets that best return their investment. For some advertisers, that may be a single city. For others, it may be a whole state or even a wider region, such as a chain restaurant with stores across the Southwest entering into a deal with one broadcaster for advertising on all the broadcaster's southwestern stations. By only dealing with one entity, the advertiser can lower

[17] Jeffrey Westling, "The FCC's News Distortion Rules Highlight Need for Updates," *American Action Forum* (Oct. 8, 2024), https://www.americanactionforum.org/insight/the-fccs-news-distortion-rules-highlight-need-for-updates/.
[18] *Id.*
[19] 47 CFR § 73.3555(e).

the transaction costs, both increasing the value to the advertiser and increasing the potential profit for the broadcaster.

Second, the Commission should consider removing or relaxing local television and radio ownership restrictions. Currently the FCC prohibits broadcasters from owning more than two television broadcast stations in any market and limits the number of radio stations a single entity can own based on market size.[20] These restrictions stem a desire to promote competition, localism and viewpoint diversity: If a single firm simply purchases all the stations in a market, it can control the content that is delivered via broadcast.[21] As explained above, however, content creators and consumers have myriad of substitutable technologies to use when trying to find content they desire. If a firm owns multiple stations in a market and doesn't deliver the content consumers want, consumers will simply move to other products and services.

At the same time, allowing firms to own multiple stations in a market creates efficiencies for the stations that can result in lower advertising costs and greater reach, especially for the primarily local advertisers that may not care as much about the broader reach that would stem from a national or regional network or stations. For example, if a firm owns three broadcast stations, and each station caters to a different audience within a market, an advertiser can negotiate with the single firm to reach all three audiences. By only engaging with one firm, the advertiser will pay less (either in total price or simply in labor hours, paperwork, and legal/regulatory costs) and reach more consumers.

b. The Commission Should Eliminate Rules that Govern the Content Broadcasters Air

In addition to the more direct efficiencies that could come with easing the ownership restrictions, the Commission should also eliminate rules that dictate the types of content that broadcasters can deliver to consumers. As explained above, the First Amendment justifications for regulating broadcaster content no longer have the same weight when there are a multitude of alternative avenues to deliver content to

[20] 47 CFR § 73.3555(e).
[21] *2018 Quadrennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order, MB Docket No. 18-349 ¶66 (Dec. 22, 2023), https://docs.fcc.gov/public/attachments/FCC-23-117A1.pdf.

consumers. Therefore, the Commission should take the important step to eliminate most, if not all, of the rules that would otherwise raise First Amendment concerns but for the fact that the content is delivered over the public airwaves.

First, and most important, the Commission should eliminate the news distortion rule and broadcast hoax rules.[22] Both of these directly hamper the ability of broadcasters to deliver content and the news as they see fit and could be misused by future administrations that seek to punish broadcasters that provide negative coverage of those administrations. If the content a broadcaster chooses to air ends up causing public harm (a key factor in the broadcast hoax rule), the FTC and state attorneys general can enforce existing consumer protection law, meaning there is no need for an FCC rule.[23]

Second, the FCC should consider eliminating many of the Children's Programming Rules, which require television stations to air at least 156 hours of core programming for children.[24] These rules are designed to ensure that families have content for their children, but again, there are many different avenues for delivering content to consumers. By forcing all stations to air children's content, the rules necessarily limit other types of content that a station can deliver, even if consumers would be better suited with other programming. Further, if the Commission acts on the recommendation to remove local ownership requirements, a firm that owns multiple stations may decide to air more children's content on one of their stations, as the firm can diversify the types of content based on station. The Children's Television Act requires that broadcasters serve educational and informational needs of children, but it sets no minimum requirements.[25] The FCC can and should build on previous reform efforts to minimize or eliminate specific hour requirements for broadcasters.[26]

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[22] Jeffrey Westling, "The FCC's News Distortion Rules Highlight Need for Updates," *American Action Forum* (Oct. 8, 2024), https://www.americanactionforum.org/insight/the-fccs-news-distortion-rules-highlight-need-for-updates/.
[23] 15 U.S.C. § 45.
[24] 47 C.F.R. § 73.671(d).
[25] Michael O'Rielly, "It's Time to Reexamine the FCC's Kid Vid Requirements," *Federal Communications Commission* (Jan. 26, 2018), https://www.fcc.gov/news-events/blog/2018/01/26/its-time-reexamine-fccs-kid-vid-requirements.
[26] Children's Television Programming Rules & Modernization of Media Regulation Initiative, Report and Order and Further Notice of Proposed Rulemaking, MB Docket No. 18-202 & MB Docket No. 17-105 (July 12, 2019), https://docs.fcc.gov/public/attachments/FCC-19-67A1.pdf.

Finally, the Commission should end the proceeding regarding notifications on the use of artificial intelligence (AI) in political advertising. This rule, if adopted, would only cause confusion in the market and add costs for broadcasters. If content generated with AI tools is disclosed on broadcasts but not online or in other venues, consumers may be more likely to trust that the content is authentic when no disclosure is present, which could cause the very harm the Commission wants to prevent. Further, AI tools will lower costs writ large, and the Commission should not stifle their development and deployment unnecessarily.

IV. The Commission Should Refresh the Record for Infrastructure Reforms

While the proceeding focuses on eliminating existing FCC regulations, the Commission should also use this opportunity to restart its work on infrastructure reform. In 2017, the FCC launched two proceedings regarding barriers to infrastructure deployment, both of which led to major agency action streamlining deployment review processes.[27]

Despite the progress made, however, local permitting, access to rights-of-way, zoning, and other review processes still provides a significant barrier to infrastructure deployment.[28] Much of the work the FCC accomplished on reviews under the National Historic Preservation Act and the National Environmental Protection Act, for example, was overturned by the courts.[29] And still industry disagrees on appropriate pole attachment and replacement rules, which can add thousands of dollars of costs to deployment.

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[27] *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, WC Docket No. 17-84 (Apr. 21, 2017), https://docs.fcc.gov/public/attachments/FCC-19-67A1.pdf; *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking & Notice of Inquiry, WT Docket No. 17-79 (Apr. 21, 2017), https://docs.fcc.gov/public/attachments/FCC-17-38A1.pdf.

[28] Jill Springer, "Important Ideas to Streamline Broadband Permitting and Support Internet for All Deployments," *National Telecommunications and Information Administration* (July 11, 2024), https://www.internetforall.gov/blog/important-ideas-streamline-broadband-permitting-and-support-internet-all-deployments.

[29] *United Keetoowah Band of Cherokee Indians in Oklahoma, et al. v. FCC*, No. 18-1129 (D.C. Cir. Aug. 9, 2019).

The Commission should initiate a process to once again review barriers to broadband deployment. This would allow commenters to refresh the record on how the reforms the Commission instituted have been working and note any new barriers that have arisen in the meantime.

V. The FCC Should Clarify Its Use of Merger Review

In recent weeks, FCC leadership has indicated that its review of pending transactions before the Commission may include a variety of issues unrelated to competition, such as firms' diversity, equity, and inclusion practices.[30] The FCC does have broader authority than other antitrust review agencies due to its public interest standard, which doesn't necessarily limit the review to economic factors.[31] But if the FCC considers a wide range of non-economic factors when reviewing transactions, deals that could benefit American consumers may indefinitely stall or otherwise be abandoned.[32]

If the goal of this proceeding is to remove unnecessary regulatory barriers to spur economic growth, the Commission could issue its own "merger guidelines," much like those issued by the Federal Trade Commission and the Department of Justice, clearly laying out the factors it will consider.[33] Ideally, these guidelines would make clear that non-economic factors such as DEI practices or the types of content they deliver will not factor in merger review – but at a bare minimum, making clear what would and would not affect transactions would provide clarity to industry so they can better plan for future transactions.

VI. The FCC Should Eliminate Unnecessary Paperwork and Reporting Requirements for all Regulated Entities

Finally, the Commission should consider eliminating any extraneous paperwork or reporting requirements. These requirements are widespread at the Commission, and almost every industry is

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[30] Taylor Herzlich, "FCC's Brendan Carr warns DEI policies at Paramount, Verizon could threaten mergers," *New York Post* (Mar. 21, 2025), https://nypost.com/2025/03/21/business/fccs-carr-warns-dei-policies-at-paramount-verizon-could-threaten-mergers/.

[31] Jeffrey Westling, "FCC Merger Review in the Spotlight," *American Action Forum* (Oct. 30, 2024), https://www.americanactionforum.org/insight/fcc-merger-review-in-the-spotlight/.

[32] Fred Ashton, "Why the Consumer Welfare Standard is the Backbone of Antitrust Policy," *American Action Forum* (Oct. 26, 2022), https://www.americanactionforum.org/insight/why-the-consumer-welfare-standard-is-the-backbone-of-antitrust-policy/.

[33] "Merger Guidelines," *U.S. Department of Justice and the Federal Trade Commission* (Dec. 18, 2023), https://www.ftc.gov/system/files/ftc_gov/pdf/2023_merger_guidelines_final_12.18.2023.pdf.

affected by them. In total, the FCC's active paperwork burden cost regulated entities over $874 million.[34] For example, broadcasters must file a biennial report on their ownership, which costs the industry about $10 million and requires almost 10,000 hours of labor.[35] There are many such requirements by the FCC that provide little value but place a burden on firms. The Commission should eliminate or ease these types of reporting requirements, depending on which the Commission still finds necessary.

Total Filings	Paperwork Hours	Total Cost
515,344,425	46,718,569	$874,106,261

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Respectfully submitted,

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[34] Data pulled from reginfo.gov and includes active information collection reviews as of April 8, 2025. https://www.reginfo.gov/public/jsp/PRA/praDashboard.myjsp#; a full excel sheet of these burdens is attached to this filing.

[35] Ownership Report for Commercial Broadcast Stations, FCC Form 323; Section 73.3615, Ownership Reports; Section 74.797, Biennial Ownership Reports, Office of Information and Regulatory Affairs, Office of Management and Budget, OMB Control No. 3060-0010 (submitted Apr. 7, 2025), https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202503-3060-021.